



ANN HRAYCHUCK
STATE REPRESENTATIVE

August 19, 2009

**Testimony of Rep. Ann Hraychuck
Before the Assembly Committee on Fish and Wildlife
Regarding Assembly Bill 371**

Good morning, Chairman Milroy and committee members. I appreciate the opportunity to speak today about Assembly Bill 371. I will keep my comments brief since I know there are several others here to testify about this bill.

I authored this bill at the request of the Wisconsin Bear Hunters Association. AB 371 would make changes that have been discussed in the bear hunting community for many years, and in some cases, is already common practice.

There are two types of bear hunting licenses issued by the DNR. A Class "A" bear license allows the holder to shoot and kill a bear. A Class "B" license allows the holder to assist a Class "A" licensee to bait or pursue bears, but not to shoot or kill under any circumstances.

This bill would extend the following privileges to a Class B license holder:

- to shoot any bear wounded by a Class A holder, but only when necessary to protect the safety of those in the hunting party
- to pursue a bear (doesn't include shooting, shooting at, capturing, or killing the bear)
- to participate in dog training during open season when the Class A holder is allowed to hunt bear with a dog
- eliminating the requirement for a back tag on the outermost layer of clothing

Also, to encourage more involvement in bear hunting, the bill allows 16 year olds and younger to engage in Class B license activities, without holding a Class B license. In addition, each year from the third Saturday in August through the following Sunday, individuals can engage in all actions Class B bear license holders are permitted, without actually holding the license.

I was recently informed that there are a couple of changes that need to be made to this bill. Scott Meyer from the Wisconsin Bear Hunters Association will be speaking later and can provide more details on these needed changes.

Thank you for your time.

Wisconsin Wildlife Federation

Summary of Wisconsin Wildlife Federation Position on AB 371 Related to Bear Hunting Regulations

The following is a summary of the position of the Wisconsin Wildlife Federation relating to the five bear hunting regulations proposed to be changed in Assembly Bill 371. The five changes called for in the bill are:

1. Removing the requirement that bear hunters wear their back tags when engaged in bear hunting;
2. Allowing the training of bear dogs during the open season for hunting bear;
3. Allowing the holders of Class B bear licenses to kill a bear without a Class A harvest permit when necessary to protect the safety of the hunting party or others.
4. Allowing persons to engage in Class B pursuit license activities without a license during the third weekend in August.
5. Allowing youth under the age of 16 to pursue bear during the bear hunting season without the necessity of purchasing a class B license

Process Concerns

The Wisconsin Wildlife Federation opposes the above bear hunting regulation changes, one through four because the changes have not gone through the Conservation Congress public hearing and review process created by the Legislature and the Natural Resources Board for the adoption of hunting regulations. The Congress process is designed to get the input of a large number of sportsmen and women in the state and the general public and then the detailed review of the public hearing results by Congress committees to take the public concerns into account and make hunting regulation recommendations to the Legislature and Natural Resources Board. This process assures the opportunity for wide spread public input from every county in the state and the surfacing of issues of concern to the general public and makes recommendations to deal with those concerns. Between five to ten thousand individuals attend the Congress hearings every spring. The results of the Congress process are advisory and the ultimate decisions are up to the Natural Resources Board.

The above first four bear hunting regulations have not gone through the Conservation Congress process and the Wisconsin Wildlife Federation opposes those changes on that basis. The fifth proposal relating allowing youth under the age of 16 was proposed by resolutions at the Congress spring hearings in five counties and passed by the following

votes: Bayfield County, 34-3; Monroe County, 85-4; Outagamie County, 65-5; Oconto County, 61-15; Rusk County, 31-3; Taylor County, 43-3 and Washington County, 230-8.

The resolutions will be voted on by the Conservation Congress's Legislative Committee this Saturday. The resolutions were supported by the Wisconsin Wildlife Federation and we support legislation implementing them being adopted.

Substantive Concerns

The Wildlife Federation has substantive objections to the above proposed bear hunting regulations, one through four. Specifically:

1. Removal of the requirement that Class B bear hunters wear their back tags when engaged in hunting. We object to this change because it will likely once again increase the trespass conflicts between private landowners and bear hound hunters in northern Wisconsin. Hound bear hunting in Wisconsin was seriously threatened by landowner trespass concerns in the early 1980s and in the late 1990s. We have attached 1997 Assembly bill 182 that was introduced specifically in response to those concerns. As a result of this bill introduction, a compromise was reached requiring the use of back tags by bear hunters. It is important to landowners to be able to identify a trespassing hunter. The wearing of a back tag is of minor inconvenience to hunters.
2. The Federation also opposes the allowance of bear dog training during the hound bear hunting season. One of the concerns to this proposal is also landowner based. Because of the concerns of landowners about the large packs of dogs being used to hunt bear and to train bear dogs, the six pack rule for the number of dogs allowed per hunting group was established in the early 1980s. If dogs are allowed for training during the bear hound season, it will likely increase the number of dogs chasing an individual bear. This will cause increased landowner trespass concerns and seriously harm the ability of conservation wardens to enforce the six-dog limit. This provision also has the real potential to increase conflicts between those bear hunters that hunt over bait and those that hunt with hounds.
3. The Federation also opposes the provision allowing Class B permit holders to kill a bear that is perceived to be a threat to human life. This provision will make it more difficult for conservation wardens to enforce the requirement that killing bears is restricted to Class A permit holders. In addition, this provision is not necessary because any individual can now kill any wild animal that is threatening human life. A suggestion that the Federation would make is that this provision allowing a backup shooter be restricted to situations where the Class A permit holder is someone 16 years or younger.
4. The Federation supports the establishment of a weekend where any individual can engage in Class B bear pursuit activities without the need to purchase a Class B permit. The question here is whether the third weekend in August is the correct

one. That is why it would be helpful to have this question go through the Conservation Congress process. The other alternative could be to pass legislation allowing any individual to engage in Class B pursuit activities without the need to purchase a Class B permit and give the Department of Natural Resources the directive to adopt the preferred weekend by administrative rule. This process would allow broader public input and would also give the state the flexibility to change the date of the weekend if circumstances warrant without the need to adopt a new piece of legislation.

5. The Wildlife Federation has supported the allowing of youth under the age of 16 to pursue bear during the bear hunting season without the necessity of purchasing a class B license. We are assuming that it will pass the Congress's Legislative Committee this weekend and we believe that it has had substantial public input through the Congress hearing process.

Chair Hraychuck, Members of the Committee, thank you for the opportunity to testify before you today on behalf of the Wisconsin Wildlife Federation.

Submitted by:
George Meyer
Executive Director

August 19, 2009

ASSEMBLY BILL 182

1 **SECTION 2.** 29.05 (8) (b) of the statutes is amended to read:

2 29.05 (8) (b) Any perishable property seized by the department or its wardens
3 may be sold at the highest available price, and the proceeds of the sale turned into
4 court to await disposition of the proceeds as the court directs. A conservation warden
5 or other officers charged with the enforcement of the laws dealing with the
6 conservation of the natural resources of the state may kill a dog found running,
7 injuring, causing injury to, or killing any bear or deer, other than farm-raised deer,
8 or destroying game birds, their eggs or nests, if immediate action is necessary to
9 protect the bear or deer or game birds, their nests or eggs, from injury or death.

10 **SECTION 3.** 29.254 of the statutes is created to read:

11 **29.254 Use of dogs for bear hunting.** No person may use dogs in the process
12 of hunting bear or train dogs to hunt bear.

13 (END)



Edgar Harvey, Jr., Chair
N3635 Timberview Road
Waldo, WI 53093
920-528-7071

Robert Bohmann, Vice-Chair
1105 Melvin Avenue
Racine, WI 53402
262-498-4605

Richard Kirchmeyer, Secretary
N4824 Lound Road
Prentice, WI 54556
715-428-2321

June 4, 2009

Members of the Wisconsin State Senate
Members of the Wisconsin State Assembly

Re: Inadequate Public Input on Fish and Wildlife Related Legislative Proposals

Honorable Members of the Wisconsin State Senate and Assembly:

This year, the Wisconsin Conservation Congress is celebrating its seventy-fifth anniversary. To mark the occasion, we were presented with a citation by the Wisconsin Senate which acknowledged our history of serving as a conduit for collecting public comment on proposed natural resource policy changes. In addition, Governor Doyle proclaimed May 8, 2009 to be "Wisconsin Conservation Congress Day". We are proud and deeply appreciate the fact that legislators in Wisconsin have found that the Conservation Congress is a valuable tool and a partner, of your own making, in developing natural resource policy in Wisconsin.

The Executive Council of the Conservation Congress (Attachment 1) has recently been made aware of a number of pieces of proposed legislation which deal with natural resource issues. We respect and acknowledge the legislature's responsibility to intervene in cases where agencies that you have empowered with administrative rule making authority clearly refuse to exercise that authority on a specific issue. We also understand that some changes to natural resource laws can only be made via statute. However, we occasionally see bills written on behalf of constituents whose ideas have not been successful in finding their way through the annual spring hearing process. We strongly object to that practice.

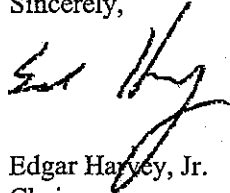
Most of the specific proposed legislative changes would more appropriately be handled as administrative rules. Public involvement in the natural resources administrative rule process is generally accomplished through our spring hearings. Citizens can attend a hearing, in their county, without traveling to Madison. Attendees are aware of the proposals that will be discussed months before the hearing. Our average attendance is between 5,000 and 8,000. A legislative hearing on even a controversial issue seldom involves more than a few hundred people, and the notice is seldom more than a couple weeks. The administrative rule process also has the benefit of the Congress study committee process where issues are discussed in great detail. Problems are identified and solutions and compromises are found during this process. (We strongly recommend that proposals dealing with fish and wildlife issues be accomplished by administrative rule when possible.) We would also suggest that you utilize the spring hearing process to measure public acceptance of proposals even when they can not be accomplished by administrative rule.

We have been down this road before and the public responded very clearly with their preference for utilizing administrative rules to manage our fish and wildlife. The last biennial state budget included language relating to catch and release bass and muskellunge fishing in northern Wisconsin. Public outrage followed, and bills, which were introduced in this session by Sen. Holperin, and Rep. Hraychuck to undo the situation, and were signed by the Governor this past April (Wis. Act 6). There is no possible justification for including issues like these in the budget bill. Even introducing it first as a bill, and giving it a hearing in an attempt to satisfy expectations for public involvement, and then proceeding with including it in the state budget is disingenuous at best.

In the spring of 2008, we received a number of citizen resolutions in response to the musky proposal, and the catch and release bass season trial. They resulted in an April 2009 advisory question which asked, *"Would you support legislation that would prohibit legislators from making fish and wildlife regulation changes without first having public hearings and input from the DNR?"* The question passed 5,379 to 970, with a majority of supporting votes in all 72 counties. Again, we understand the need for legislation, but the citizens of this state prefer to have their voices heard through our Spring Hearing process.

We hope that you will consider these concerns when dealing with those natural resource legislative bill proposals which are currently on your desk, or which will be crossing your desks in the near future. If you have any questions, please feel free to contact myself, or the Executive Councilor in your area of the state. Their contact information and a map of the counties that they serve is attached to this correspondence.

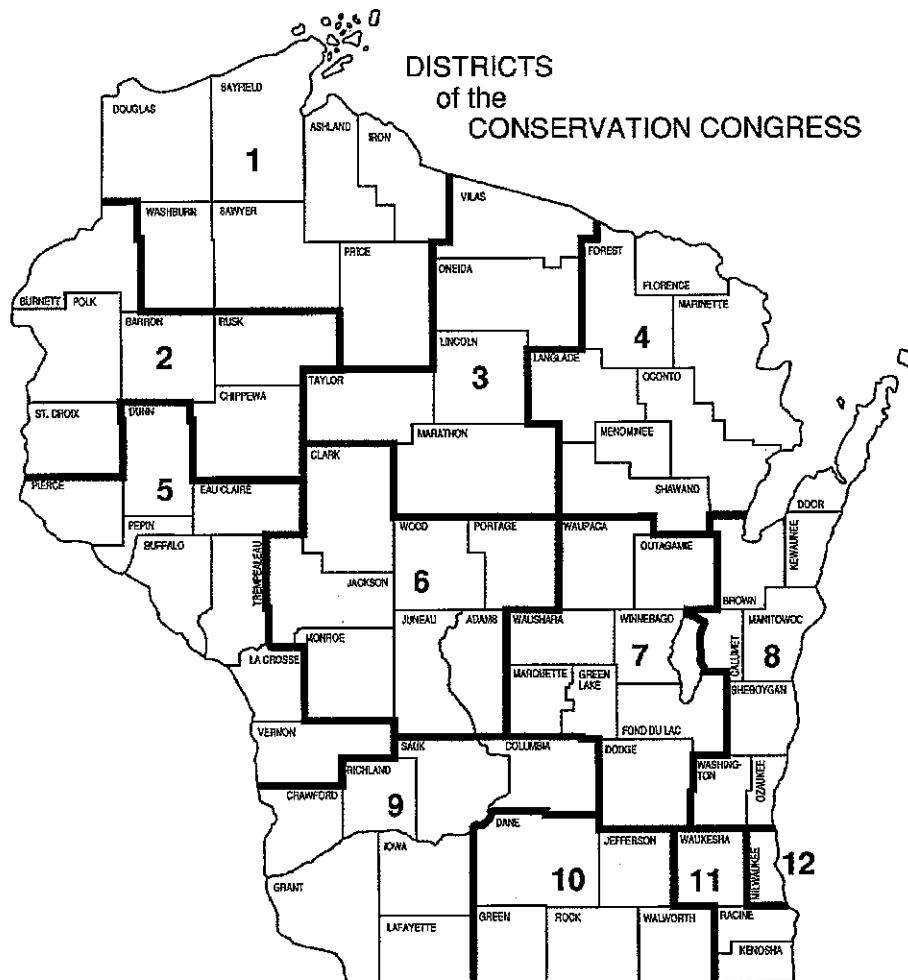
Sincerely,



Edgar Harvey, Jr.
Chair

cc: WCC Exec. Council

As established by Wisconsin State Statutes, the Wisconsin Conservation Congress is officially recognized as the only natural resources advisory body in the state where citizens elect delegates to represent their interests on natural resources issues on a local and statewide level to the Natural Resources Board and the Department of Natural Resources. Their mission is to represent the citizens of Wisconsin by working with the Natural Resources Board and the Department of Natural Resources to effectively manage Wisconsin's greatest asset, our abundant natural resources, for present and future generations to enjoy.



2009 – 2010 Executive Council

District 1 Joe Weiss W5390 Bobcat Road Spooner, WI 54801 715-635-2209 Rich Kirchmeyer N4824 Lound Road Prentice, WI 54556 715-428-2321	District 2 Al Brown 36328 130th Avenue Stanley, WI 54768 715-644-5583 Raymond Smith 1034 170th Avenue Balsam Lake, WI 54810 715-268-8267	District 3 Mike Riggie 859 Malibu Street Medford, WI 54451 715-748-5634 Roger Sabota 5000 Isle View Drive Rhineland, WI 54501 715-369-2283	District 4 Arold Ninneman 3671 US Hwy 2 Florence, WI 54121 715-528-4203 Wade Jeske 8090 Waschbisch Rd. Oconto Falls, WI 54154 920-846-2368
District 5 Mark Noll S1917 Buena Vista Rd. Alma, WI 54610 608-685-4580 Marc Schultz W8155 County Road ZB La Crosse, WI 54601 608-788-0220	District 6 David Puhl W7995 Walters Road Mauston, WI 53948 608-847-4190 Stan Brownell 9121 Gavel Ave. Sparta, WI 54656 608-269-6835	District 7 Dale Maas W9449 Breezy Point Road Fox Lake, WI 53933 920-928-2131 Richard Koerner 540 Sunrise Bay Road Neenah, WI 54956 920-722-0433	District 8 John Edelblute 2332 Belfast Lane Hartford, WI 53027 262-673-2813 Edgar Harvey Jr. N3635 Timberview Road Waldo, WI 53093 920-528-7071
District 9 Mike Rogers S8955 Matoushek Road Prairie Du Sac, WI 53578 608-643-8057 Lee Fahrney 7860 McKenna Rd. Hollandale, WI 53544 608-967-2208	District 10 Ken Risley W3874 Krueger Road Monticello, WI 53570 608-938-4743 Al Phelan 3628 Canter Drive Madison, WI 53718 608-241-7538	District 11 Al Shook W339 S2576 Hwy C Oconomowoc, WI 53066 262-968-2598 Robert Bohmann 1105 Melvin Avenue Racine, WI 53402 262-498-4605	District 12 Jo Ann Kuharske 6145 N. River Trail Dr. Milwaukee, WI 53225 414-760-2126 James Wroldstad 4469 N. 51st Blvd. Milwaukee, WI 53218 414-463-3735
Conservation Congress Liaison Kurt Thiede Department of Natural Resources P.O. Box 7921 - LS/8 Madison, WI 53707 608-266-0580 kurt.thiede@wisconsin.gov		Conservation Congress Coordinator Kari Lee-Zimmermann Department of Natural Resources P.O. Box 7921 - LS/8 Madison, WI 53707 608-266-2952 kari.lee-zimmermann@wisconsin.gov	

Wisconsin DNR

License and Back Tag

Class A Bear - R

Agent: 003888
Terminal: 31062004

Issued: 08/12/2009 13:30

Tran #: 033550678

Expires: March 31, 2010

Signature: _____

123 ANY STREET
SUN PRAIRIE, WI 53590
UNITED STATES
DL #: WI
Cert #:
Hgt: 5'04 Wgt: 105
Hair: Blonde
Eyes: Blue
DOB: 08/17/1962
Gender: F

SHEILA DOE

Cust #: 224-495-770

BA13618



Wisconsin DNR

License and Back Tag

Class B Bear-Res

Agent: 003888
Terminal: 31062004

Issued: 08/12/2009 13:27

Tran #: 033550676

Expires: March 31, 2010

Signature: _____

123 ANY STREET
SUN PRAIRIE, WI 53590
UNITED STATES
DL #: WI
Cert #:
Hgt: 5'04 Wgt: 105
Hair: Blonde
Eyes: Blue
DOB: 08/17/1962
Gender: F

SHEILA DOE

Cust #: 224-495-770

0163712

